

REMARKS

Claims 1-23 are currently pending in the application; with claims 1 and 10 being independent. Claims 1, 7, 10, and 16 have been amended to more appropriately define the present invention. Claim 18 has been amended to address a minor typographical error. Applicants respectfully request favorable consideration in light of the comments presented herein and earnestly seek timely allowance of the pending claims.

Allowable Subject Matter

In the outstanding Office Action, the Examiner indicated that claims 2-5, 13, 14, 21, and 22 were directed to allowable subject matter, however, are objected to as being dependent upon a rejected base claim. Furthermore, the Examiner indicated that claim 7 would be allowable over the prior art if it were amended to overcome the §112, second paragraph, rejection. Applicants wish to thank the Examiner for the indication of allowable subject matter.

Claim Rejections – 35 USC §112

The Office Action indicated that claims 7, 16, and 23 are rejected under 35 USC §112, second paragraph, as being indefinite.

Regarding claims 7, the Examiner indicated that the phrase “having a smaller number of DCT coefficients” on line is indefinite. The Examiner also indicated that the phrase “having a larger number of DCT coefficients” on line 4 is also indefinite.

Applicants have amended claim 7 to address this issue in a manner similar to that suggested by the Examiner.

Additionally, the Examiner indicated that the word “and” on line 4 is also indefinite. Applicants submit that one of ordinary skill in the art would be able to ascertain the metes and bounds of this claim language when read in light of the specification. Specifically, Applicants respectfully direct the Examiner’s attention to, for example, page 9 paragraphs 1 and 2 of the specification, which explain at least two methods of detecting intra frame pictures. Accordingly, Applicants submit the term “and” is not indefinite.

Accordingly, Applicants respectfully request the Examiner to withdraw the §112, second paragraph, rejection of claim 7. Claim 16 has been amended in a manner similar to claim 7 to adjust the §112, second paragraph, rejection based upon the phrases “having a smaller number...” and “having a larger number...”, which were alleged to be indefinite. With respect to the term “and”, Applicants submit, as in claim 7, this term would be understandable by one of ordinary skill in the art in light of the specification, and traverse the rejection on this ground.

Regarding claim 23, Applicants submit that one of ordinary skill in the art would understand the metes and bounds of this claim when read in light of the specification, and traverse the §112, second paragraph, rejection of this claim.

Claim Rejections – 35 USC §102

The Office Action indicated that claims 1, 6, 8, 9, and 18 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,991,452 to Shimizu et al. (“Shimizu”). Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and traverse this rejection.

Shimizu merely discloses an image data compression apparatus, which realize high data compression rates when compressing the image data using the orthogonal transformation in accordance with the algorithm defined by JPEG, and can output the code data, which can be decoded by using the decoding algorithm defined by JPEG (col. 6 lines 30-37). Specifically, Shimizu discloses a detection means which detects the complexity of the image data block and a detecting means 40 may receive the code data and detect the complexity thereof. A deleting means 41 then deletes the code data having high complexity and outputs recompressed code data after the detecting of the high complexity code (col. 7 lines 33-39). The detecting means detects complicated block image data by using the quantized transformation coefficients (col. 9 lines 3-5). Specifically, the image data compression apparatus quantizes the orthogonal transformation coefficients, in order from the low frequency component. In the above quantizing steps, when an accumulated value of the orthogonal transformational coefficients, in which the absolute value exceeds a half of the quantized threshold value, the quantizing means 112 determines that the block image data is complicated, and stops the quantizing operation of the orthogonal transformation coefficient for the high frequency components (see col. 11 lines 35-48).

Conversely, Shimizu fails to disclose, at least, “a DCT coefficient counter for counting a feature amount on a picture basis using an unquantized DCT coefficient output from said DCT unit,” as recited in claim 1.

Shimizu is distinguished from the present invention in that Shimizu operates on the quantized values of the image in order to determine if an image is complicated. Shimizu fails to disclose counting unquantized DCT coefficients in the detecting means to affect image compression processing.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 1. Claims 6, 8, and 9 depend from claim 1 and are allowable at least for the reasons provided above for allowable claim 1. Claim 18, which has been amended to depend from claim 10, is not anticipated by Shimizu and is allowable at least for the reasons provided below in the arguments for the allowability of claim 10.

The Office Action indicated claims 10-12, 15, 17, and 19 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 5, 831,688 to Yamada et al. (“Yamada”). Applicants submit the Examiner failed to establish a *prima facie* case of anticipation and traverse this rejection.

Yamada merely discloses an image coded data re-encoding apparatus based a system in which data decoded for relaying of copying from an image decoder is re-encoded in a manner to preserve image quality (col. 5 lines 13-17). Specifically, Yamada discloses a motion compensation predictor 10 when receiving decoded motion vectors from a variable length decoder 11, the motion compensation predictor 10 makes a determination of which type of picture, I, P or B, is provided with the incoming coded image data. If it is determined that the picture is in I-picture, motion compensation prediction is not performed or, in a case of a P-picture, performs forward motion prediction compensation. A motion compensation predictor 10 determines the type of picture frame on the basis of the decoded motion vector 113a, which are received from variable length decoder 11 (col. 5 lines 49-55).

Conversely, Yamada fails to disclose, at least, “detecting a picture type of the encoded image signal associated with the previous encoding based upon the counted features,” as recited in claim 10.

Yamada is distinguished from the present invention in that motion compensation predictor 10 makes its determination as to picture type based upon information received from a variable length decoder. The determination as to picture type is not based upon counted features, wherein the counted features are based upon the transformed decoded image.

Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claim 10. Claims 11, 12, 15, 17-19 depend from claim 10 and are allowable at least for the reasons described above for the allowability of claim 10.

Claim Rejections – 35 USC §103

The Office Action indicated claims 12, 15, and 20 are rejected under 35 USC 103(a) as being unpatentable over Yamada in view of Shimizu. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse this rejection.

Shimizu, as discussed above in the arguments for the allowability of claim 1, fails to cure the deficiencies of Yamada with respect to the features recited above in claim 10.

Accordingly, Applicants respectfully request the Examiner withdraw the rejections to claims 12, 15 and 20.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

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Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #39,491
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant